



Appeal Decision

Site visit made on 29 July 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/U1430/W/24/3355907

Saltings, Draffin Lane, Camber, East Sussex TN31 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Carl Schmid against the decision of Rother District Council.
 - The application Ref is RR/2024/615/P.
 - The development proposed is described as 'Addition of pool house and swimming pool to existing dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans that the application also includes change of use to residential curtilage of a parcel of land in the northwestern part of the site, with the proposed pool house and swimming pool extending into that area. The description on the Council's decision notice includes the proposed change of use and was quoted on the appeal form. Evidence from both parties addresses the merits of the proposed change of use and I have considered the appeal on the understanding that it is part of the proposed development.
3. While the Council has raised concern that the proposal would be tantamount to a new dwelling, there is no application for a separate dwelling before me. The proposed doorway at the rear of the pool house would provide access to an office and gym, separate from the swimming pool area, and does not, of itself, indicate that a new dwelling is intended. I have considered the application based on the plans and the description on the application form, which associate the proposal, including the intended use of the building, with the existing dwelling.
4. A Preliminary Ecological Appraisal (PEA) dated November 2024, by Arbtech Consulting Ltd, was provided with the appeal. This post-dates the Council's decision and is submitted in response to the reasons for refusal, without amending the proposed development. While I have noted Council's comments on this new evidence, the opportunity has been available for scrutiny of the PEA, including by any external ecological consultees and interested parties, through the appeal process. I have taken the PEA, along with the related condition suggested by the Council, into account and am satisfied that no procedural unfairness would arise as a result.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area, and
- whether the proposed development would avoid or mitigate any adverse effect on protected species and habitats, with particular regard to any effect on sites designated for their nature conservation importance.

Reasons

Character and appearance

6. Saltings is a substantial detached house at the end of Draffin Lane. Following significant modernisation and extension of the original house, it has a contemporary appearance, being finished externally in black vertical timber cladding, with zinc roof and large, glazed openings facing into the garden. In 2016, at around the same time as these works were undertaken, planning permission was granted for extension of the garden into a parcel of land to the northwest of the dwelling and additional land beyond that is in the same ownership. Both the previously extended garden and the adjacent land are maintained as a lawn, with no internal sub-division, although there are hedges, trees and other vegetation around the wider perimeter.
7. There is fairly continuous housing fronting Farm Lane and part of Draffin Lane, on the edge of Camber, as well as some larger residential areas to the east. However, Saltings is near the end of Draffin Lane, where there are only a few houses on larger, more sporadic plots. Between the appeal site and the housing fronting Farm Lane/Draffin Lane is an area of undeveloped land containing mixed scrub and low-lying vegetation. To the north, the site adjoins a much more expansive, open landscape described in the PEA as coastal and floodplain grazing marsh. As such, the appeal site stands on the fringe of the settlement, at the interface between housing and the surrounding countryside.
8. In the development plan, the site is outside the Camber development boundary and subject to policies for development in the countryside. In the Core Strategy¹, Policy RA2 articulates a strategy for the countryside, which includes generally conserving its intrinsic value and locally distinctive rural character. Policy RA3 allows in principle for the extension of existing residential curtilages and ancillary development such as outbuildings, subject to ensuring that such development would maintain and not compromise the character of the countryside and landscape. In the Development and Site Allocations Local Plan² (DaSA), Policy DHG8 more specifically states that extensions to the gardens of existing dwellings will not be permitted unless the extension is to a natural boundary or a logical rounding off, modest in area and the change of use and associated domestic paraphernalia does not harm the rural character of the area.
9. The proposal would extend the garden further to the northwest, where the appeal site adjoins undeveloped land and so is directly connected with the surrounding countryside. The enlarged garden would project beyond the end of Draffin Lane and the final dwelling accessed from it. Its boundaries would be defined by a ditch

¹ Rother Local Plan Core Strategy 2014

² Rother Development and Site Allocations Local Plan 2019

on one side and a hedge along the lane to the other. However, the vegetation to the northwest does not form such a clearly defined boundary and does not align with any other feature outside the site. While the existing garden boundary is also not well defined, it does have the merit of avoiding encroachment beyond the neighbouring dwelling.

10. According to the appellant, the existing garden would be increased by approximately 30%. While the term 'modest' is not defined in Policy DHG8, that is in itself a sizable proportionate increase. Furthermore, it would be in addition to the earlier garden extension, which the 2016 plans indicate has already approximately doubled the size of the plot. While Policy DHG8 does not explicitly require comparison with the original garden, this history of previous enlargement in the recent past is relevant to the overall effect on the character of the countryside, which the development plan seeks to maintain. Cumulatively, the level of garden extension would very clearly exceed the modest area supported by the policy.
11. Currently, the additional garden land is laid to grass, although there was some moveable play equipment present at the time of my site visit. The proposed development would increase the likelihood of such equipment and other domestic paraphernalia being present, giving the land a more clearly domesticated character. More specifically, it would facilitate the built development proposed as part of the application. The pool house itself would extend into the additional garden and would incorporate an outdoor kitchen with attached pergola and dining area. A sun deck is also shown on the plans, beyond the end of the swimming pool. Consequently, the additional garden area would incorporate a range of hard landscaped features linked to the pool house, collectively giving the land a significantly more formalised character.
12. There is no dispute that the design and detailing of the pool house would respond to the character and appearance of the dwelling, which is itself of substantial and imposing proportions. The pool house would have a smaller length, footprint and height than the dwelling and the flat roofed element would limit its bulk at the far end. As such, despite being a sizable building in its own right, the design responds to the scale, form and proportions of the host dwelling, having a reasonable degree of subservience when the scale of both buildings is compared.
13. Nevertheless, the pool house cannot be accommodated without encroaching beyond the limits of the existing garden. In conjunction with the associated hard landscape features, that would contribute to the intensification of built development and domestic paraphernalia, encroaching into undeveloped land. Although views of the site are limited, it is visible from the end of Draffin Lane and in the outlook from several neighbouring properties. The proposal would introduce a sense of creeping urbanisation, which would be detrimental to the character of the countryside at this edge of Camber.
14. Although the supporting text to Policy DHG8 refers to provision of sufficient outside area for the reasonable enjoyment of the dwelling, the existing garden is neither cramped nor incapable of providing reasonable space for a range of family activities including children's play. While some rural dwellings do benefit from larger gardens, that does not justify extension of an existing garden where harm would arise.

15. The existing tree referred to in the fourth reason for refusal is a relatively modest specimen, identified in the PEA as a hawthorn, which is not individually important in visual terms, beyond making a limited contribution to the overall level of vegetation. On the understanding that it is not subject to a tree preservation order or otherwise protected, it could be removed at any point. Loss of that single tree would have little effect on the character and appearance of the area and there is no indication that the existing boundary vegetation would be affected by the proposed development. Nevertheless, the retention of that existing vegetation would not adequately mitigate the adverse effect of additional built development and hard landscaping, as described above.
16. For the reasons given, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with relevant requirements in Policies RA2, RA3 and DHG8, as summarised above and with relevant requirements in Core Strategy Policies OSS4 and EN1 and DaSA Policy DEN1, which include that development should respect and not detract from the character and appearance of the locality and local landscape characteristics, including the visual character of settlement edges and their rural fringes.
17. Although I have concluded that the scale and form of the pool house would respect and respond positively to the host dwelling, the introduction of built development beyond the existing garden would conflict with the requirement in Policy DHG9 that residential outbuildings do not detract from the character and appearance of the countryside location.

Ecology

18. The appeal site is adjacent to, and within the Impact Risk Zone (IRZ) of, the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) and Ramsar site, to the north. The Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) is approximately 230m to the northwest.
19. The PEA provided with the appeal acknowledges the relationship with these designated sites. It furthermore describes the site as being in close proximity to notable habitats, including coastal and floodplain grazing marsh, good quality semi-improved grassland and purple moor grass and rush pastures, all lying adjacent to the northern boundary. While the PEA recommends that mitigation of construction related pollution and disturbance on the notable habitats could be secured by means of a Construction Environmental Management Plan, it also notes the potential for all proposed development in this location to have harmful effects on relevant SSSIs, SPAs and Ramsar sites. Consequently, the recommendations in the PEA include that Natural England may need to be consulted for advice on the nature of potential impacts and how these might be avoided or mitigated.
20. Although Natural England were consulted on the application, their response provides standing advice only and advises that they have not been able to assess the potential impacts on statutory nature conservation sites. They were also consulted on the appeal, but no further advice has been provided and the Council has not commented in any detail on the PEA, citing a lack of in-house ecological expertise. Consequently, neither the PEA nor evidence from any other relevant party clearly confirms that any adverse effects on the designated sites could be avoided or mitigated.

21. Since there are extensive areas of glazing on the existing dwelling, and several other dwellings in the vicinity, there is little specific evidence that the glazing on the pool house would be detrimental to local ecology or dark skies. The PEA recommends a low lighting strategy for ecological reasons, and the appellant also proposes a pre-commencement condition to secure a glazing specification restricting light emission/pollution. The PEA concludes that removal of the hawthorn tree will not materially impact biodiversity and that any effects on protected species and habitat within the appeal site can be adequately mitigated.
22. Nevertheless, the evidence before me falls short of demonstrating that notable habitats outside the site and the qualifying features of the designated sites would be adequately safeguarded. Taking into account the national and international importance of the designated sites, a precautionary approach is appropriate.
23. Consequently, based on the evidence before me, I cannot be confident that the proposed development would avoid or mitigate any effect on protected species and habitats, with particular regard to any effect on adjacent sites designated for their nature conservation importance. As such, the proposal would conflict with Core Strategy Policy EN5 and DaSA Policy DEN4 which require amongst other things that development protects and enhances habitats of ecological interest and designated sites, having due regard to their status.

Other Matters

24. Since the site is not within the High Weald National Landscape, there is no specific evidence of any conflict with the High Weald Management Plan referred to in the fifth reason for refusal.
25. I have noted the absence of any objections from interested parties, the Environment Agency or NatureSpace but that does not, of itself, confirm that no harm would arise.
26. Planning permission was granted in March 2024³ for a smaller pool house and swimming pool. That scheme had been amended to contain the proposed development within the limits of the garden extension approved in 2016. Although permission is sought for the larger proposal, there is no apparent barrier to implementation of the approved scheme, which therefore amounts to a fallback position relevant to consideration of this appeal.
27. The approved plans would also introduce a pool house, swimming pool and sun deck northwest of the dwelling so, in common with the current proposal, there would be additional built development at the fringe of the settlement. The approved pool house would be only around 2m shorter than the pitched roof element of the building now proposed. However, it would be closer to the dwelling and the attached plant room/sauna, outdoor kitchen, pergola and dining area do not appear on the approved plans. Therefore, the current proposal would involve a materially higher level of encroachment into currently undeveloped land, which I have concluded would be harmful to the character and appearance of the area. The approved plans also included a proposed stock fence and native hedge planting along the boundary of the existing garden, which would establish a stronger sense of containment.

³ Planning application RR/2024/43/P

28. The Council explains that the approved scheme was treated as a householder application and consequently did not trigger consideration of effects on the adjacent SSSI and other designated sites. Nevertheless, since I have taken into account the PEA submitted with the appeal, the appellant has had the opportunity to respond to the ecology reasons for refusal on the current application. For the reasons given above, that evidence does not convincingly establish that any effects on the designated sites could be avoided or mitigated.
29. While I have had regard to the possibility that the approved scheme will be implemented if this appeal is dismissed, its effect on the character and appearance of the area would be less than the current proposal. The opportunity to introduce additional conditions securing the glazing specification, soft landscaping and ecological measures would go some way towards addressing adverse effects of the development. However, that would not outweigh the additional harm arising from the current proposal or the conflict with the development plan as a whole.
30. Had I been minded to allow the appeal, I would have been obliged to undertake an appropriate assessment of the implications of the proposal for relevant European Sites⁴. The Council did not allege any likely significant effects on the Dungeness Special Area of Conservation, which is around 1300m from the site. However, as explained above, the ecological evidence does not adequately support an assessment of any likely significant effect on qualifying features of the Dungeness, Romney Marsh and Rye Bay SPA. In any case, since I am dismissing the appeal for the reasons given above, there is no need to consider the effect on European Sites further.

Conclusion

31. The proposed development would conflict with the development plan. No material considerations, including the approved scheme for an alternative proposal, indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR

⁴ Conservation of Habitats and Species Regulations 2017